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February 19, 2001

Mr. Brook Busbee
Attorney at Law
704 McKinney Ave.
Dallas, Texas 75202-1049

RE:

Patrick Murphy

Dear Brook:

I am director of the Texas Defender Service Capital Trial Project. Our office provides free services and resources to death penalty lawyers in Texas. I am enclosing a list of the reference material that TDS has on file. We can make this material available to you in your defense of Mr. Murphy. The enclosed list contains many web cites that are proving helpful to capital lawyers.

TDS also offers a free capital case brainstorming service. If the trial team would like to use this service, the attached information sheet would be filled out by your trial team. I would then arrange for at least one trial lawyer, one appellate or post-conviction lawyer and a mitigation specialist to brainstorm your case by conference call. In the brainstorming session, the lawyers can offer suggestions on theories and themes of the case, trial strategies, theories for the mitigation presentation during the penalty phase of the trial and possible expert witnesses. Naturally, all communications are confidential.

TDS maintains a list of those social workers in your area who possess a master's degree (MSW) and who are interested in performing mitigation investigations in capital cases. I would be pleased to help you locate a mitigation investigator as well as any other expert witnesses that you

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I am sure that you are familiar with Steve Losch's hornbook entitled *Death Penalty Law and Practice*. This is an invaluable reference for those defending capital cases. A copy can be purchased through the Texas Criminal Defense lawyers Association.

Should you feel that TDS can be of help to your team, please call me at the Austin number during business hours or at my home at (512) 394-0485. You may email me at jniland@texasdefender.org.

Sincerely,

John P. Niland